

200310650-1

10/628,902

RECEIVED
CENTRAL FAX CENTER

APR 11 2007

REMARKS

This is a full and timely response to the non-final Official Action mailed January 11, 2007. Reconsideration of the application in light of the following remarks is respectfully requested.

Claim Status:

Claims 37-60 and 67 were withdrawn under a previous Restriction Requirement and cancelled without prejudice or disclaimer. Thus, claims 1-36 and 61-66 are currently pending for further action. No amendments to the application are proposed by the present paper.

Prior Art:

Claims 1, 19, 20, 23, 61 and 66 were rejected as unpatentable under 35 U.S.C. § 103(a) over the combined teachings of U.S. Patent No. 6,535,894 to Schmidt ("Schmidt") and U.S. Patent No. 5,974,004 to Dockes ("Dockes"). For at least the following reasons, this rejection is respectfully traversed.

A method of creating an archived file in a manner that allows an application to distinguish between one or more data files and one or more print files in said archived file, wherein said print files contain data used by said application to print visual labeling associated with data of one or more of said data files and said data files provide data to be transferred by said application to a recording medium associated with said visual labeling, said method comprising
generating a manifest file; and
including said manifest file in said archived file;
wherein said manifest file distinguishes between one or more data files and one or more print files in said archived file and indicates to said application a file location within said archived file associated with said one or more data files and a file location associated with said one or more print files.

It should be noted that claim 1 expressly defines its terms as follows "said print files contain data used by said application to print visual labeling associated with data of one or more of

200310650-1

10/628,902

said data files and said data files provide data to be transferred by said application to a recording medium associated with said visual labeling.”

In contrast, the teachings of Schmidt and Dockes have nothing whatsoever to do with distinguishing between data files and print files in an archived file as defined and claimed by Applicant. Schmidt teaches a system of maintaining synchronization between two archive files on two different computers. To avoid constantly copying the entire archive file back and forth, “a difference archive file is created. The difference archive file comprises an index file describing the changes between the original archive file and the target [updated] archive file. ... The difference archive file is transmitted to the client computer, instead of requiring that the entire target archive file be transmitted. At the client computer, the difference archive file is applied to the” archive file to be updated. (Schmidt, abstract).

This synchronization system has nothing to do with the claimed method. Consequently, the recent Office Action expressly concedes that “Schmidt is silent with respect to said manifest file distinguishing between one or more data files and one or more print files in said archived file.” (Action of 1/11/07, p. 3). Applicant agrees. Consequently, the Office Action cites Dockes in combination with Schmidt. (*Id.*).

Dockes teaches a “system and method for production of customized compact discs on demand.” (Dockes, abstract). According to Dockes, a user selects songs to be recorded on a disc. The songs are then recorded on an audio CD. The system also includes “packaging means for labeling the blank CD recorded by the writing means and inserting same in a box for shipment.” (*Id.*).

However, Dockes does not ever teach or suggest that audio files and labeling files are ever placed in a common archived file. Consequently, Dockes cannot teach or suggest the claimed manifest file that distinguishes between data files and print files in a common

200310650-1

10/628,902

archived file. Nevertheless, the Office Action incorrectly states that "Dockes discloses said manifest file distinguishing between one or more data files and one or more print files in said archived file." (Action of 1/11/07, p. 3). The Office appears to be reading this concept into Dockes when it is not actually there.

In this regard, the Office Action cites Dockes at col. 7, line 35 to col. 8, line 7. This portion of Dockes teaches that a "reading client 118 extracts audio data from source audio CDs, does the compression, and sends the data to the data server 124." (Dockes, col. 7, line 35-37). Separate from this collection of audio data from source CDs, "[e]very operator performing the packaging tasks has a PC machine, or printing client 130, running UNIXWARE. Every printing client 130 is in turn connected to a CDROM drive 132 to identify the discs, and to several printers 134-138. A thermal transfer printer 134 is preferably used to print the disc surface." (Dockes, col. 7, line 52-57).

Dockes does not ever teach or suggest that the audio files and the labeling files are electronically placed in a common archived file including a manifest file that distinguishes between the audio and labeling files within the meaning of Applicant's claims. (See, Applicant's specification, paragraph 0028). Consequently, the combination of Schmidt and Dockes cannot teach or suggest the claimed "manifest file [that] distinguishes between one or more data files and one or more print files in said archived file and indicates to said application a file location within said archived file associated with said one or more data files and a file location associated with said one or more print files." This subject matter is not found in either Schmidt or Dockes.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least these

200310650-1

10/628,902

reasons, the rejection of claim 1 and its dependent claims should be reconsidered and withdrawn.

Claim 23 recites:

A method of creating an archived file in a manner that allows an application to distinguish between one or more data files and one or more print files in said archived file, wherein said print files contain data used by said application to print visual labeling associated with data of one or more of said data files and said data files provide data to be transferred by said application to a recording medium associated with said visual labeling, said method comprising:

using an enforced directory structure in said archived file;
wherein said enforced directory structure separates said one or more data files and one or more print files in said archived file and indicates to said application a file location associated with said one or more data files and a file location associated with said one or more print files.

As demonstrated above, Schmidt fails to teach any mechanism that distinguishes specifically between data files and print files in an archived file as claimed. Dockes fails to even teach or suggest data and print files stored in a common archived file.

Neither reference teaches or suggests the claimed enforced directory in an archived file that "separates said one or more data files and one or more print files in said archived file and indicates to said application a file location associated with said one or more data files and a file location associated with said one or more print files." "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least these reasons, the rejection of claim 23 and its dependent claims should be reconsidered and withdrawn.

Claim 61 recites:

A system for creating an archived file in a manner that allows an application to automatically distinguish between one or more data files and one or more print files in said archived file, wherein said print files contain data used by said application to

200310650-1

10/628,902

print visual labeling associated with data of one or more of said data files and said data files provide data to be transferred by said application to a recording medium associated with said visual labeling, said system comprising:

means for generating a manifest file, said manifest file distinguishing between one or more data files and one or more print files in said archived file and indicating to said application a file location associated with said one or more data files and with said one or more print files; and

means for including said manifest file in said archived file.

As demonstrated above, Schmidt and Dockes fail to teach or suggest "means for generating a manifest file, said manifest file distinguishing between one or more data files and one or more print files in said archived file and indicating to said application a file location associated with said one or more data files and with said one or more print files."

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least these reasons, the rejection of claim 61 and its dependent claims should be reconsidered and withdrawn.

Claim 67 recites:

A processor readable medium having instructions thereon for:
generating an archived file comprising one or more print files and one or more data files, wherein said print files contain data used to print visual labeling associated with data of one or more of said data files and said data files provide data to be transferred to a recording medium associated with said visual labeling;
generating a manifest file; and
including said manifest file in said archived file;
wherein said manifest file distinguishes between one or more data files and one or more print files in said archived file and indicates to an application a file location within said archived file associated with one or more data files and a file location associated with one or more print files.

As demonstrated above, Schmidt and Dockes fail to teach or suggest the claimed manifest file "wherein said manifest file distinguishes between one or more data files and one

200310650-1

10/628,902

or more print files in said archived file and indicates to an application a file location within said archived file associated with one or more data files and a file location associated with one or more print files."

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least these reasons, the rejection of claim 66 should be reconsidered and withdrawn.

The various dependent claims of the application further recite additional subject matter that is clearly patentable over the prior art of record. Specific, non-exclusive examples follow.

Claim 19 recites "including said manifest file in a root directory of said archived file." In this regard, the Office Action refers to Schmidt at Fig. 5 and col. 8, lines 54-67. (Action of 1/11/07, p. 4). However, as demonstrated above and as conceded by the Office Action, Schmidt fails to teach or suggest the claimed manifest file that distinguishes between print and data files. Consequently, Schmidt cannot teach or suggest that such a file is located in a root directory of the corresponding archived file. For at least this additional reason, the rejection of claim 19 should be reconsidered and withdrawn.

Claim 20 recites:

including said manifest file in any directory of said archived file; and
including a boot file in a root directory of said archived file, said boot file
indicating a path of said manifest file in said archived file;
wherein said application is configured to recognize and read said boot file.

200310650-1

10/628,902

As demonstrated above, the cited prior art fails to teach or suggest the claimed manifest file. Consequently, the cited prior art cannot teach or suggest the claimed boot file that indicates a path to the manifest file in the archived file.

Additionally, the cited prior art does not appear to suggest the boot file, as claimed, in a root directory of an archived file. In this regard, the Office Action cites a portion of Schmidt that describes a JAR file. (Action of 1/11/07, p. 5). However, the Action fails to explain how these teachings of Schmidt equate to the claimed subject matter. For at least these additional reasons, the rejection of claim 20 should be reconsidered and withdrawn.

Claims 2-18, 21, 22, 24, 35 and 62-65 were rejected as unpatentable under 35 U.S.C. § 103(a) over the combined teachings of Schmidt, Dockes and U.S. Patent App. Pub. No. 20020145614 to Van Valer ("Van Valer"). This rejection is respectfully traversed for at least the same reasons given above with respect to the independent claims of the application. Additionally, the various dependent claims here rejected clearly recite subject matter that is patentable over the cited prior art. Specific, non-exclusive examples follow.

Claim 2 recites:

extracting files from said archived file with said application, said files including said one or more data files, said one or more print files, and said manifest file;

burning said one or more data files onto an optical disc; and
printing content corresponding to said one or more print files.

Claims 24 and 62 recites similar subject matter.

In contrast, as demonstrated above, the cited prior art fails to teach or suggest the claimed archived file including data files, print files and a manifest file that distinguishes between the data and print files. Consequently, the cited prior art cannot teach or suggest the subject matter of claims 2, 24 and 62.

200310650-1

10/628,902

Additionally, the Office Action cites to Van Valer as teaching burning data files to an optical disc and printing content corresponding to those files. (Action of 1/11/07, p. 6). However, Van Valer teaches such subject matter without any reference or connection to the claimed archived file. For at least this additional reason, the cited prior art cannot teach or suggest the subject matter of claims 2, 24 and 62, and the rejection of these claims and their respective dependent claims should be reconsidered and withdrawn.

Claim 8 recites "wherein said one or more data files comprise a disk image file." Claim 30 recites similar subject matter. This subject matter is not taught or suggested by the cited prior art. The Office may wish to refer to Applicant's specification at paragraph 0024 for a definition of the term "disk image file." The Office Action alleges that the subject matter of claim 8 is taught by Van Valer at paragraph 0068. (Action of 1/11/07, p. 7). However, this portion of Van Valer fails to even mention a disk image file. For at least this additional reason, the rejection of claims 8, 9, 30 and 31 should be reconsidered and withdrawn.

Claim 13 recites "generating said manifest file in Extensible Markup Language (XML)." Claim 64 recites similar subject matter. In this regard, the Office Action again refers to Van Valer at paragraph 0040. (Action of 1/11/07, p. 8). However, this is merely a "glossary" portion of Van Valer in which XML is defined. (Van Valer, paragraph 0040). Because Van Valer does not teach or suggest the claimed manifest file, it is impossible for Van Valer to actually teach or suggest that such a file be in a particular language, such as XML. For at least this additional reason, the rejection of claims 13 and 64 should be reconsidered and withdrawn.

200310650-1

10/628,902

RECEIVED
CENTRAL FAX CENTER

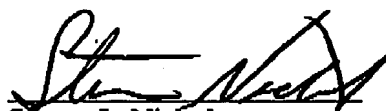
APR 11 2007

Conclusion:

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: April 11, 2007

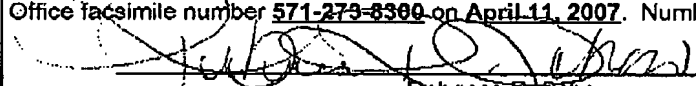
Steven L. Nichols
Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Graner PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095

(801) 572-8066
(801) 572-7666 (fax)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number ~~571-279-8360~~ on April 11, 2007. Number of Pages: 22


Rebecca R. Schow